

**REMARKS**

Claims 1-5 and 7-21 were pending in this application.

Claims 1-5 and 7-21 have been rejected.

Claims 1, 2, 5, 8, 10, 12-14, 16, and 21 have been amended as shown above.

Claims 1-5 and 7-21 remain pending in this application.

Reconsideration and full allowance of Claims 1-5 and 7-21 are respectfully requested.

**I. OBJECTION TO CLAIMS**

The Office Action objects to the use of the phrase “substantially adjacent” in Claim 8. The Applicants have amended Claim 8 to remove the term “substantially.” The Applicants respectfully submit that amended Claim 8 recites definite subject matter. Accordingly, the Applicants respectfully request withdrawal of the objection to the claims.

**II. REJECTIONS UNDER 35 U.S.C. § 103**

The Office Action rejects Claims 1-3, 8-11, and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,052,629 to Leatherman et al. (“*Leatherman*”) in view of U.S. Patent No. 6,288,688 to Hughes et al. (“*Hughes*”). The Office Action rejects Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Leatherman* and *Hughes* in further view of U.S. Patent No. 5,890,520 to Johnson, Jr. (“*Johnson*”). The Office Action rejects Claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Leatherman* and *Hughes* in further view of U.S. Patent No. 5,554,912 to Thayer et al. (“*Thayer*”). The Office Action rejects Claims 5 and 7 under 35 U.S.C.

§ 103(a) as being unpatentable over *Leatherman* and *Hughes* in further view of Official Notice. The Office Action rejects Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over *Leatherman* and *Hughes* in further view of U.S. Patent No. 6,783,028 to Ambrose et al. (“*Ambrose*”). The Office Action rejects Claims 16-20 under 35 U.S.C. § 103(a) as being unpatentable over *Leatherman* in view of U.S. Patent No. 6,442,448 to Finley et al. (“*Finley*”) and Official Notice (“*Official Notice*”). The Office Action rejects Claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Leatherman* in view of *Finley*. These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicants to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicants are entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781,

783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicants' disclosure. (MPEP § 2142).

Regarding Claim 1, Claim 1 has been amended to recite that a “master interface system” is capable of interacting with “one or more external systems” (including a “central office system” that provides “updates” of “advertising information”) only when the interaction is “initiated by the master interface system.”

*Leatherman* recites an interactive fuel dispenser system that includes fuel dispensers 12 operating with a local server 18. (Col. 5, Lines 27-28). Access to information on the local server 18 is provided by web browser technology. (Col. 5, Line 28 – Col. 6, Line 24). The fuel dispensers 12 could also operate in conjunction with various remote servers 26. (Col. 4, Lines 21-25).

*Leatherman* simply recites that fuel dispensers 12 interact with local servers 18 or remote servers 26. *Leatherman* lacks any mention that a local server 18 can only interact with an external system when the interaction is initiated by the local server 18. As a result, *Leatherman* fails to disclose, teach, or suggest a “master interface system” capable of interacting with “one or more external systems” (including a “central office system” that provides advertising information updates)

only when the interaction is “initiated by the master interface system.”

*Hughes* recites a method and apparatus for distributing and displaying advertisements, such as on display screens in elevators, via a network. (*Abstract*). A system in *Hughes* includes a main computing unit (MCU) 10, intermediate control units (ICUs) 20, building control units (BCUs) 30, and display units 40. (*Col. 8, Lines 14-42*). Advertising information is sent from the MCU 10 to (i) the ICUs 20 for distribution to the BCUs 30 (which provide it to the display units 40), (ii) the BCUs 30, and/or (iii) the display units 40. (*Figure 1*).

*Hughes* simply recites a system for distributing advertisements to elevator screens. *Hughes* lacks any mention that an ICU 20 or BCU 30 can only interact with an external system when the interaction is initiated by the ICU 20 or BCU 30. In fact, *Hughes* recites just the opposite. *Hughes* specifically recites that the MCU 10 is capable of initiating contact with an ICU 20 to download data to the ICU 20. (*Col. 16, Lines 19-20*). Similarly, *Hughes* specifically recites that an ICU 20 is capable of initiating contact with a BCU 30 to download data to the BCU 30. (*Col. 17, Lines 8-9*). Because of this, *Hughes* fails to disclose, teach, or suggest a “master interface system” capable of interacting with “one or more external systems” (including a “central office system” that provides “updates” of “advertising information”) only when the interaction is “initiated by the master interface system.”

For these reasons, the Office Action fails to establish that the proposed *Leatherman-Hughes* combination discloses, teaches, or suggests all elements of Claim 1 (and its dependent claims).

Regarding Claim 16, Claim 16 has been amended to recite that a “master interface system” is capable of accessing a “central office system” at a “prescribed time” along with “other master

interface systems” so that “all master interface systems receive additional information for substantially simultaneous presentation by all master interface systems.”

*Leatherman* fails to disclose, teach, or suggest these elements of Claim 16. *Leatherman* contains no mention of the local servers 18 or remote servers 26 accessing a central system at a “prescribed time” so that they all may receive “additional information for substantially simultaneous presentation.”

*Finley* recites a fuel dispenser system having fuel dispensers and point-of-sale terminals. (*Abstract*). The system also includes a processor or “site manager” between the fuel dispensers and point-of-sale terminals for translating commands and responses. (*Abstract; Col. 3, Lines 6-7*). Also, a dispenser controller is capable of displaying advertisements to customers. (*Col. 5, Lines 19-22*). A distributed management system is used to provide multimedia content to individual site managers. (*Col. 24, Lines 18-45*).

*Finley* simply recites a system where multimedia content may be provided to site managers, which then provide the multimedia content to customers using fuel dispensers. *Finley* lacks any mention of site managers accessing the distributed management system so that they may all receive information for substantially simultaneous presentation to customers. As a result, *Finley* fails to disclose, teach, or suggest a “master interface system” capable of accessing a “central office system” at a “prescribed time” along with “other master interface systems” so that “all master interface systems receive additional information for substantially simultaneous presentation by all master interface systems” as recited in Claim 16.

*Official Notice* deals with updating information at a terminal by a server. *Official Notice*

does not disclose, teach, or suggest a “master interface system” capable of accessing a “central office system” at a “prescribed time” along with “other master interface systems” so that “all master interface systems receive additional information for substantially simultaneous presentation by all master interface systems” as recited in Claim 16.

For these reasons, the Office Action fails to establish that the proposed *Leatherman-Finley-Official Notice* combination discloses, teaches, or suggests all elements of Claim 1 (and its dependent claims).

Regarding Claim 21, Claim 21 recites that a “master interface system” is “physically attached” to a “fuel dispenser” and transmits information “wirelessly” to one or more display subassemblies associated with one or more fuel dispensers. The Office Action does not attempt to establish that the proposed *Leatherman-Finley* combination discloses, teaches, or suggests these elements of Claim 21. In fact, when quoting the language of Claim 21, the Office Action omits these elements from Claim 21. When rejecting other claims, the Office Action makes the assertion that these elements are obvious. However, the Office Action does not, for example, explain why a person skilled in the art would be motivated to physically attach a “master interface system” to a “fuel dispenser” as recited in Claim 21.

For these reasons, the Office Action fails to establish that the proposed *Leatherman-Finley* combination discloses, teaches, or suggests all elements of Claim 21.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejections and full allowance of Claims 1-5 and 7-21.

### III. CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Applicants have included the appropriate fee to cover the cost of this AMENDMENT AND RESPONSE. The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any additional extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: \_\_\_\_\_

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